IMT Nuremberg Archives

H – 100

International Court of Justice

H0100-0002

Official transcript of the International Military Tribunal in the matter the The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 3 April, 1946, 1125-1300 hours, Lord Justice Lawrence presiding

THE PRESIDENT: The Tribunal has read and considered every one of the documents produced by Dr. Horn on behalf of the defendant Ribbentrop and the Tribunal rules as follows.

I will only refer to the documents to which no objection was taken, where the Tribunal rejects them, that is to say, documents to which no objection is taken or allowed with the particular exceptions which I make.

With reference to the documents to which objection was taken, the Tribunal rejects numbers 12, 45, 48 to 61 inclusive. It allows document 62. It reject documents 66, 67 and 69. It allows document 70. It rejects documents 72, 73, 74. It rejects documents 76 to 81 inclusive. It grants document 82. It rejects document 83. It grants documents 84 to 87 inclusive. It rejects documents 88 to 116 inclusive. It rejects documents 118 to 126 inclusive. It allows document 127. It rejects documents 128 to 134 inclusive. It reject documents 135 to 148 inclusive. It rejects documents 151 and 152. It allows documents 155 and 156. It rejects documents 157 and 158. It rejects document 161. It allows document 162. It allows document 164. It allows documents 165 to 183 inclusive. It rejects document 184. It allows documents 185 and 186. It rejects document 191. It allows document 193 and 194. It rejects document 195, paragraphs 1, 2, 3, and 4. It grants document 195 paragraphs 5, 6, 7,,8, 9. It rejects documents 196 and 197 and 198. It rejects document 204. It rejects document 207. It grants the whole of document 208. It grants document 210. It rejects document 211 (a) and (b) and document 212. It grants document 213. It rejects 214.

H0100-0003

It rejects 215-A and B. It grants document 217 and 220. It grants documents 221 to 245, except document 238, and it also excludes all comments contained in thos documents. It rejects document 246 to 269. It rejects 270 and 271. It rejects 275. It rejects 276. It grants 277 and 278. As to 279, the Tribunal would like Dr. Horn to inform them what that document is because it is in the copy that they have got it is unidentified. That is 279, Dr. Horn, in book 8, I think.

DR. HORN: This document No. 279 contains the non-aggression pact between Germany and the USSR, dated the 23rd of August, 1939, and I wish to hand a copy of this document, which has been attested to, to the High Tribunal.

THE PRESIDENT: Will you repeat that.

DR. HORN: The document contains the con-aggression treaty between German and the Soviet Union, dated the 23rd of August, 1939. It contains the text of that treaty.

THE PRESIDENT: Yes, well, then that will be allowed.

280 and 281 are granted. 282, 283, and 284 are granted. 285 is rejected. 286 to 289 were withdrawn. 290 was withdrawn. 291 is granted. 292 is rejecte 293 is granted. 298 to 305, inclusive, are rejected. 306 is granted. 307 is rejected. 308 is granted. 309 and 309-A are both rejected. 311 had already been ruled out. 313 is granted. 314 is rejected. 317 is granted. 318 is rejected. Well, 312 is granted; it had not been objected to.

Dr. Horn, I do not have a note of 315 and 316; are they asked for?

DR. HORN: 315, Mr. President, is the reproduction of PS-1834, and has already been submitted and need not be asked for again.

THE PRESIDENT: Does that apply also to 316, Dr. Horn?

DR. HORN: 316 is also a PS number and need not be resubmitted for that reason.

THE PRESIDENT: Well, then, that deals with all the numbers, I think.

DR. HORN: I will dispense with No. 312, and instead I wish to ask for 317. 317 contains an affidavit.

THE PRESIDENT: 317 is granted.

H0100-0004

DR. HORN: Thank you, Mr. President.

THE PRESIDENT: Now, Dr. Horn, will you deal with the ones which we have left in, as far as you wish to deal with them. If you wish to comment upon any of the ones that we have allowed, you may do so now. We do not desire you to do so but, if you wish to do so, you may.

DR. HORN: May I say, Your Lordship, that me exposition will be very brie but may I ask that I may present my exposition at a time to be determined by the High Tribunal so I can prepare myself and need not take up your time? All my documents are attached together and it would take rather long for me if I would try to set forth my exposition now, rather than present my selection later. Will you please rule on a time when I may make my presentation of these documents?

THE PRESIDENT: Well, that possibly would conclude your case, would it not?

DR. HORN: Yes, Mr. President. Then I will have concluded my case and will need only a relatively short period of time to comment briefly on some of the documents but not on all of them, of course.

THE PRESIDENT: If Dr. Nelte is ready to go on with the case of the defendant Keitel, the Tribunal suggested you probably might be able to deal shortly with your documents at two o'clock.

DR. HORN: Thank you, Mr. President.

THE PRESIDENT: Would that be agreeable to Dr. Nelte?

DR. HORN: I will consult my colleague Dr. Nelte.

Dr. Nelte has just advised me that he is leaving the Tribunal room to pick up the documents and then he can proceed with the presentation of his case immediately.

THE PRESIDENT: Very well.

H0100 - 0005

(Dr.Nelte returned to the court room.)

THE PRESIDENT: Dr. Nelte, the Tribunal is much obliged to you for presenting your argument now.

DR, NELTE: (Counsel for the Defendant Keitel): I would like to begin my case, Mr. President, by summoning the Defendant to the witness-stand. I shall interrogate him, and the documents which I will need and will use in this interrogation, that list of documents was submitted to the High Tribunal yesterday; and I hope that those documents are at your disposal so that the Tribunal will be able to follow my questions, to the service of our mutual best interests.

THE PRESIDENT: Then you will call the Defendant Keitel.

DR. NELTE: Yes, Mr. President.

(The Defendant Keitel took his position in the witness-box.)

WILHELM KEITEL, one of the Defendants, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name?

A Wilhelm Keitel.

Q Will you repeat this oath after me:

I swear by God the Almighty and Omniscient, that I will speak the whole truth, and will with-hold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down if you wish.

DIRECT EXAMINATION

BY DR. NELTE:

Q Please describe your military career for me, briefly?

A In the year 1901, the beginning of March, I became a candidate for officer. At the beginning of the First World War, in 1914, I was the Regimental Adjutant of my Regiment. I was wounded in September, 1914, and in the beginnin of November I became chief of a battery of my Regiment. After Spring of 1915 I served in various General Staff capacities, first of all in higher command positions, later as a General Staff officer of a Division. Towards the end I was in Flanders with the Navy. Then I volunteered and entered the Reichswehr. Beginning with the year

H0100 - 0006

was in Flanders with the Navy. Then I volunteered and entered the Reichswehr. Beginning with the year 1929 I was Abeilungsleiter -- chief of a division in the Reichswehrministerium. That was the Ministry of War. There was an interruption 1933 to 1935. On the 1st of October, 1935, I was chief of the Wehrmacht Department (Wehrmacht Amt) of the Reichswehrministerium, That was Chief of Staff of the War Ministry. During my service at the front I became Generalmajor. At that time I led an infantyr brigade. On the 4th of February, 1938, surprisingly, I was appointed chief of staff, which was called by the Fuehrer, Chief of the OKW -- Oberkommando der Wehrmacht. On the 1st of October, 1939, I became General of the Infantry and subsequently to the campaign in the West I became Field Marshal.

Q Were you a member of the National Socialist Party?

A No, I was not a member. According to military law I could not become a member.

Q But you have the golden Party emblem that you received. What is the background of that?

A That is correct. In April, 1939, Hitler presented this golden emblem of the party to me, and at the same time that the Commander-in-Chief of the Army, General von Brauchitsch received it. The Fuehrer said it was to be a commemoration of the March into Czechoslovakia. The golden emblem was dated the 16th and 17th of March.

Q In the year, 1944. the military law changed so that active soldiers could become members of the Party. What did you do at that time in this respect

A That is correct. In the late summer or autumn of 1944 the Wehrgesetz (military regulation) was changed to the extent that active soldiers could become Party members. At that time I was invited to join the Party, I was asked to submit my personal data, in order to be enrolled on the Party membership list. At the same time I was asked to send in a donation of money to the Party. I sent in my donation, but to my knowledge I did not become a member. I never received a membership card.

Q In what way did you participate at Party functions?

A In my position I accompanied the Fuehrer almost constantly and I

H0100 - 0007

participated several times at official functions of the Party. If I may cite an example, I was present at the Party rallies in Nurnberg, also when the Winter Help campaign was inaugurated I was present at those festivities; and in accordance with orders, on the 9th of November every year, together with a representative of the Party I had to be present at the graves of those who had died on that day in 1923. I had to attend the service in their memory. That was in memory of the conflict in November between the Party and the Wehrmacht--the Armen Forces.

As far as internal conferences or meetings are concerned, of the leadership of the Party, I want to say that I never attended any of these meetings or gatherings, as the Fuehrer had told me that he did not wish my presence at those meetings and gatherings. For example, on the 9th of November every year I was at Munich, but never participated in the gatherings which the so called Hoheitstraeger (bearers of sovereignty) of the Party attended. I never attended those meetings.

H0100 - 0008

Q. What decorations did you receive during the war?

A During the war, in the winter of 1939-1940 it must have been, I received the Knight's Order to the Iron Cross. Other German war decorations I did not receive.

Q Do ybu have any son?

A I had three sons, who served at the front as officers during this war. The youngest one died in battle in Russia in 1941. The second was a major in Russia and has been missing in action, and the oldest sons, whc was a Major, is a prisoner of war.

Q At the beginning, in order to facilitate matters, I would like to put the following basic questions to you.

What basic attitude did you have as a soldier, as an officer and a general toward the problems with which you came in contact in your capacity and in the nature of your work?

A I was a soldier, and I can say that I was a soldier by inclination and conviction. For more than 44 years without interruption I served my country and my people as a soldier, and I tried to do my best in the service of my profession. I believed that I should do this as a matter of duty in a restless effort and in the complete surrender to those tasks which came to my lot in my many and diverse positions. I worked ceaselessly under the Kaiser, under President Ebert, under Fieldmarshal von Hindenburg, and under the Fuehrer Adolf Hitler. I worked the same way under all of them.

Q What is your position and your view today?

A As a German officer, I believe it to be my duty, first of all, to take responsibility for what I have done, even if it should have been wrong. I am grateful that I may have the opportunity here and before the German people to give an account about those things, such as what I was and about my participation and my part in those things which have taken place. Whether guilt or circumstances brought about by fate is something that is hard to differentiate but one thing I do consider impossible. That is that the man in the highest position and the leaders and the sub-leaders at the front should be charged with guilt and the highest leadership should reject responsibility. That, in my opinion, is untrue, and I would consider that undignified. I am convinced that

H0100 - 0009

the large mass of our brave soldiers were basically decent, and that where the boundaries of what is permissible were overstepped, our soldiers acted in good faith and in the belief of military necessity, and that they were guided by the orders which they received.

Q The Prosecution, in connection with the presentation regarding violations of the laws of war, crimes against humanity, repeatedly points to orders, to documents, which bear your name. Many so-called Keitel orders, Keitel decrees, have been submitted. Now we have to examine and prove if and how far you and your activity are connected in a guilty and original sense with the happenings or the results of these orders. What can you say, or what do yo wish to say to this general accusation?

A It is correct that there are a number of orders, instructions and directives with which my name is connected, and it is also to be admitted that such orders many times presented deviations from the existing international la

On the other hand, there are a group of directives and orders which did not rest on military bases and motives but on Weltanschaulich, or ideological points of view, and in this connection I am thinking of the group of directive which before the campaign in Russia were issued, and those which were ordered subsequent to that time.

Q What can you say in your exoneration about these orders?

A I can say only that as a matter of basic principke,for all things which resulted from these orders and which are connected with my name and my signature, I assume that responsibility which is resultant from my position.

Furthermore, for those offices and divisions and branches of the OKW whic were subordinate to me, I assume responsibility insofar as it is based on normal and legal principles.

Q And how is your official capacity to be put in line with a legal position?

A In the Fuehrer decree of 4 February 1938 my position is clearly set forth.

Q I am showing this decree to you so that you can re-familiarize yourself with the text.

In this decree, Paragraph One, you will find "the authority over the whol

H0100 - 0010

Wehrmacht, of which from now on I personally take over the supreme command". What did that mean in connection with circumstances or conditions as they had obtained up until that time?

A Up until that time we had a commander in chief of the Wehrmacht. That was Fieldmarshal von Bomberg, and besides that there was the supreme commander and, according to the constitution, that was the head of the state; in this case, Hitler. With the doing away with or the resignation of von Blomberg, there was only one commander in chief, and that was Hitler.

From that period of time onward, he himself carried out the authority to issue orders to all three arms of the Wehrmacht: the army, the air forces and the navy, and he himself personally conducted this power of command.

It also says "from now on directly" and that was to establish unequivocally that any intermediary position, as far as orders were concerned, did not exist from that period of time on but that orders were to issue directly from Hitler, the supreme commander in chief, and that the orders were to go directly from Hitler to the various parts of the Wehrmacht.

It also says here "Direct and Personal Orders". That too had its contents and meaning, for the word "Personal" was to show and was meant to express that--I should like to say "Deputizing" of this power was not to be had in any event.

Q I assume therefore that you never, when you signed, said, "In Deputy" or, "As Deputy"; that you never signed your orders that way?

A No, I do not remember a single case in which I ever signed, "In Vertretung", that is, as deputy. And according to military principle, if the question of a deputy had arisen there could only have been one person, and that would have been the next ranking officer.

Q In paragraph two of this decree it says, "The Wehrmacht office in the Ministry of War, which has existed up to that time, will now come under my direct decrees and orders." What does that mean in relation to the staff which was now formed?

A The Supreme Commander of the Wehrmacht had his military staff in the Wehrmacht Amt, in the Wehrmacht office; that is to say, in the War Ministry, and this Wehrmacht Amt was taken over by Hitler as Supreme Commander, and Hitler took over this body as his military staff. And with the doing of this this staff was to be his personal working staff. At the same time, with the elimination of the post of Supreme Commander of the Wehrmacht the Reich War Minister was also done away with. There was no War Ministry and no Minister of War as they had existed in the previous sense And with this it was clearly seen, just as Hitler wanted it to be seen, that between him and the various parts of the Wehrmacht, so far as the command channels were concerned as well as ministerial functions were concerned, that there was to be no bearer of office who was to be in a position to issue orders independently.

Q Then after this decree was issued you were known as the Chief of the OKW, and that was a new office which was taken over by you. Will you please clarify whether this term "Chief of the OKW" is correct; that is, whether that which it seemed to say to the outside was actually the case?

A I must say at this point that just now for the first time I realize that this term in its abbreviated form does not really apply to me. For the exact meaning one should have said, "Chief of the Staff of the High Command

H0100-0011

of the Wehrmacht", and not the abbreviation, "Chief of the OKW", for from documents submitted by the prosecution I gathered that the "Chef" was interpreted as if I was a Commander Befehlshaber, that is, someone who could have issued orders. And that of course is a conclusion, it is not right; it was neither a position of my being able to issue orders nor as might have been assumed or has been assumed that it was a sort of position of a chief of a general staff. That is not correct either; I was never Chief of the General Staff of the Wehrmacht. It was the very clear wish of the Fuehrer to have all power of orders andcommand in his own person, to have those powers rest with him. And that is not an ideal which I am establishing subsequently, but these things he mentioned to me and defined clearly on several occasions. Partially and in connection with those things, he told me repeatedly he could never put these ideas through with Blomberg.

Q. In my possession here I have a document submitted by the Prosecution, a declaration put down by Field Marshal von Brauchitsch.

A Perhaps I might add a word or two. I was discussing the fact that it was not a position of Chief of the General Staff which I occupied, for the basic opinion and view of Hitler was such that the commanders in chief of the Wehrmacht branches each would have his own general staff, and that Hitler did not want that the High Command of the Wehrmacht, with the inclusion of the Wehrmacht Operational Staff, to take over the functions of a general staff. Therefore in practice with the Operational Staff of the Wehrmacht branches, where it was carried on in that manner, there in the Obercommand of the Wehrmacht--which waspurposely kept small--a working staff established for Hitler in that way for strategic consultation, let us say, and for special missions.

Q Then when Field Marshal von Brauchitsch said in his affidavit--which I mentioned a few minutes ago, -- do you consider what he said correct?

H0100 - 0012

H0100-0013

It says here, "It Hitler had decided to reach his political aims through military pressure or through the using of military means of power or to support his aims in any way, the Commander-in-Chief of the Army, if he was to participate in this, first of all received his instructions orally as a rule or received an order in accordance with the plans. Thereupon the OKH operation and deployment plans were worked out after they had been submitted to Hitler orally first as a rule, has been approved by him, and then a written order of the OKW went out to the various branches of the Wehrmacht, is that correct?

A Yes. In principle it is correct so far as the final formulation of the mission with which the commanders-in-chief of the army were charged, in that it took place in the form of a Weisung (directive), as we called it; and on the basis of the already submitted and approved plans. This work was done in the Wehrmacht Fuehrung Stab (Wehrmacht Operational Staff), which wasn't an independant unit when giving out orders, and did not treat matters independently. But the Wehrmacht Fuehrung Staf and I took part in the approval of some of these proposals and formulated those ideas, which were then carried out by Hitler as Commander-in-chief. We transmitted these orders, so to speak.

Q Then I have an affidavit by Lt. Col. Halder which deals with the same subject. You know this affidavit number one, and for the purpose of evidence I am submitting affidavit number one by Halder, and I wish to use it at this time. It has been submitted by the prosicetion. The prosecution submitted a further statement on this without assigning a special number to it, and this supplement deals with the basis for the organization of the German Wehrmacht. That is the tittle of this supplementary document.

THE PRESIDENT: Is this the document which you say the prosecution offered in evidence but didn't give a number to:

DR. NELTE: Mr. President, this document was given to us by the prosecution, I believe by the American prosecution. We received it on the 26th of November 1945. I don't know --

THE PRESIDENT: You mean it never was deposited in evidence by the prosecution ?

DR. NELTE: I do not believe I can decide on that. I assume that a document which is submitted to us is submitted at the same time to the High Tribunal

H0100 - 0014

if not as evidence then for official notice, anyway.

THE PRESIDENT: What is the document? Is it an affidavit or not?

DR. NELTE: It is not an affidavit; it is really a composition by the American prosecution. And as I assume it is a basis for the prosecution against the organization OKW, and so forth --

THE PRESIDENT: Have you got it in your document book or not?

DR. NELTE: No, it is not in the document book, for I assumed that was at the disposal of the High Tribunal. It is, Mr. President, just a very small document.

Mr. DODD: If I could see it I might be able to be helpful. I am not familiar with it. It is probably one of the documents which we submitted to the defense but which we did not actually use in evidence, and that happened more than once, I think, in the early days of the trial.

H0100-0015

DR. NELTE: Mr. President, I am just referring to a single paragraph.

THE PRESIDENT: Yes.

DR. NELTE: I am referring to just a small paragraph and I would like to quote this brief passage. Perhaps through that we can obviate submitting this material.

THE PRESIDENT: Are you offering in evidence the whole of the affidavit? I don't mean at this moment, but are you proposing to offer it?

(Dr. Nelte nodded).

You are?

DR. NELTE: I assume the Prosecution has already submitted it. I am just referring to it, your Honor.

THE PRESIDENT: The whole affidavit? What is the number of it if it has been submitted?

DR. NELTE: This affidavit does not bear any number.

THE PRESIDENT: It has not been submitted if it hasn't a number on it, then. It is suggested to me that possibly the Halder affidavit was offered and then rejected.

DR. NELTE: No, Your Honor. At that time a series of affidavits were submitted -- affidavits by von Brauchitsch, Halder, Hausinger, and several others, other generals who are interned at Nurnberg,and all of these affidavits had no exhibit numbers. None of these affidavits had any exhibit numbers.

MR. DODD: This affidavit was put in by the United States as an exhibit. I don't have the number handy, but I think it was submitted at the time Colonel Telford Taylor submitted the case on behalf of the Prosecution against the High Command and the OKW. This Halder affidavit, the first document which Doctor Nelte referred to, is not an affidavit. It was a paper submitted to the Tribunal and to the Defense by Colonel Taylor. It set out some of the basic principles of the organization of the High Command and the OKW wholly before he presented his part of the case. It is really just the work of our own staff here in Nurnberg.

THE PRESIDENT: Doctor Nelte, as the document you are referring to, not the Halder affidavit, appears to be a mere compilation, the Tribunal thinks it shouldn't go in as an exhibit, but you can put a question to the witness upon it

H0100-0016

BY DR. NELTE:

Q In the compilation which you have before you the Prosecution asserted the following: after 1938 there were four divisions, that is, OKW, High Command of the Wehrmacht; OKH, High Command of the Army; OKL, High Command of the Air Force; OKM, High Command of the Navy; and each had its own General Staff.

What can you tell us about that?

A I can say only that this is not correct, and the explanation which I have already given as to the function of the High Command is not in line with that. There were not four departments like that; there were only three: the High Command of the Army, the High Command of the Navy, and the High Command of the Luftwaffe. The OKW, the High Command of the Wehrmacht, was not an independent department, as I have already stated. The commanders-in-chief of the various Wehrmacht branches were commanders who had the authority to issue orders and use this power over these troops which were subordinate to them. The OKW did not have the power to issue orders. Neither did it have any troops which were subordinate to it and to which it could have issued orders. Therefore it was not correct, if I recall the speeches of the Prosecution, when the expression was used that "Keitel was commander-in-chief of the Wehrmacht." I am mentioning it only to emphasize this point.

Furthermore, in connection with the document which has been shown to me, I would like to refer to the last page. There is a diagram on the last page. I would like to call your attention to that diagram.

DR. NELTE: Mr. President, this diagram shows the Wehrmacht and its parts. It is a diagrammatic exposition of the entire Wehrmacht and its various parts.

THE WITNESS: I believe therefore, and I feel I should refer to this diagram briefly, that just this diagram was the reason for the misleading belief, for here the High Command of the Wehrmacht is designated as a special department or branch. It is shown as such on this diagram, and as I have stated before, that is wrong.

Q What was your task in this military sector as the Chief of the OKW?

A First of all, it was a vital task of mine to present the Fuehrer with documents, with a large group of reports which he desired. That is, in

H0100 - 0017

connection with the evaluation by the Wehrmacht Fuehrung Stab, I had to supply the necessary material and information to him. I would like to say that the Wehrmacht Fuehrung Stab in this connection carried out the function which one might term -- that this staff gave Hitler immediate and close relations to the General Staffs of the various branches of the Wehrmacht and attended to these tasks.

Beyond that, a great wealth of documents and evidence and material of an allied nature which were demanded daily was a second function, all conferences in which the commanders-in-chief of the various Wehrmacht branches participated and the chiefs of their staffs and the Chief of the Wehrmacht Fuehrung Stab. As a rule, all of these men were present and had to be present, for on those occasions immediately a series of oral orders was given, and these orders, in line with military principle, were later on confirmed in writing. Only in this way could we prevent mistakes or misunderstandings that would arise, that is, through the confirmation of these orders to those who had already received oral orders. It was put down clearly in writing. This is the aim and meaning of the order.

Q Now, as to the orders which were sent out by you, how were they signed by you?

A It is correct that this form of orders and directives almost without exclusion were signed by me, and indeed they were orders which had already been given and which, in military channels, had already been transmitted and were being acted upon. There was, as can be seen from the tremendous amount of material on hand, the form which I made it a matter of habit to use; that is, after a few preliminary words I always said, "The Fuehrer has therefore ordered." In the large majority of cases this order was no surprise. For the departments receiving this order it was nothing new to them. It was only a confirmation. And in a similar way, although this was not organizational, as far as directives and orders were concerned, I had these matters dealt with under my supervision and transmitted them. In that way, I should like to point out especially, I in no case sent through orders without having shown this order again to my commander-in-chief, in order to make certain that I had not misunderstood him or that I was issuing something which, and I would like to emphasize even in the verbatim, did not have his approval.

Q There was another category of orders and directives --

H0100 - 0018

A. May I perhaps add a few workds?

Q. Please do.

A. In order to clarify mis-statements the documents which are at issue here, those which Hitler personally signed had a heading "The Fuehrer and the Command-in-Chief of the Wehrmacht." There are some exceptions in which such directives were signed by me, and I would like to explain this matter as to how this came about.

Even in this case the same applies, that these directives which had corrections entered by Hitler personally now were given to me, and somehow the Fuehrer was prevented from signing himself and I signed, but never as deputy but always "as per instruction." Then matters took their course, as I have already described them, in the form of directives which were signed by me; and I would like to mention also, if a series of documents under the heading "Chief of the OKW" appeared there might have been some change in that, as "A. Jodl." I would like to say that it can be shown almost automatically that I did not happen to be there at the time; otherwise I would have signed; and I would like to say that he was the recognized Chief of Staff who, according to military regulations, had to sign these matters.

Q. The memorandum which you have before you contains the following sentence: "The OKW agreed or contained in itself the activity of a staff and of a ministry. We were concerned with those matters which previously the Reichs War Ministry had treated in its capacity and which had been taken over by OKW."

Please clarify the ministerial function of the OKW.

A. This formulation as set down in this document is not exactly incorrect or untrue, but in its vital points is open to misinterpretation, for it wasn't at all such that the OKW exercised all functions which the War Minister had exercised in prior years, and that these functions all were taken over by the OKW. Many functions which the War Minister in his capacity as minister and responsible for them and as responsible to the various parts of the Wehrmacht and their commanders-in-chief, this minister could decide, and did decide those matters which I never received authority to deal with as Chief of the OKW.

H0100-0019

The following things happened at that time: all of that which in this connection had the authority to issue orders and who had authority of which the Fuehrer did not himself wish to take up personally or take over personally -- that was, as far as decisions were concerned, given to the commanders-in-chief of the various parts of the Wehrmacht.

I would just like to touch the subject briefly and give you a few examples, from memory, vital examples. For example: the personnel records of officers, the decision on complaints, matters of budget and administration, jurisdiction of the courts are some of the functions which the Minister of War had had and which went over to the supreme commanders. Questions of officials and concerning the rights of the officials -- these are some of the things I have mentioned. I could mention quite a few others, but I wanted to point out merely that where decisions had to be made, such as if the official was to be dismissed, not the Chief of the OKW could make that decision but the Commander in Chief. These powers were given to them, and certain reservations were made with the Fuehrer, those reservations which the Fuehrer wished to keep for himself. At the same time some of the other spheres of the command posts of the Wehrmacht were limited in subsequent and following years, limited in its tasks through the dissolution of the Wirtschaft and Ruestung, that is, the economic and armament department, and an armament minister was created through the dissolution of the counter intelligence department, so that only the defense of troops was kept up. Everything else was deleted. My authority was such in all basic questions with which this ministerial sector was concerned that I was obligated in every case to find out the decision of Hitler. I was only free from doing this in current matters, and if between the people involved, that is as far as an administrative question was concerned -- if between the various branches of the Wehrmacht my department, which was concerned with these matters had reached a complete agreement, then in a case like that a decision by Hitler was not necessary; and I must emphasize again, in summary, that the OKW had no jurisdiction of its own, no competence of its own, and that one can only express it as follows: that Hitler indeed had the functions of the Commander-in-Chief

H0100 - 0020

of the Wehrmacht, as well as the functions of War Minister, that he had these functions unified in his own person, so that an intermediary official was to be eliminated at all costs. That is, there was to be no intermediary between him and the commanders-in-chief of the various Wehrmacht branches.

THE PRESIDENT: We will adjourn now until two o'clock.

H0100 - 0021

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, defendants, sitting at Nurnberg Germany, on 3 April 1946, 1400-1700, Lord Justice Lawrence presiding.

THE PRESIDENT: Dr. Nelte, although the Tribunal did say that they would hear Dr. Horn at 2 o'clock, they would not wish to interrupt the examination of the defendant Keitel if you wish to go on with that now. It is a matter for you to consider, whichever you like.

DR. NELTE: Dr. Horn agrees also, that I continue the interrogation of Keitel now.

THE PRESIDENT: Very well.

MR. DODD: If it please the Tribunal, for the assistance of the Tribunal I have ascertained that the first Halder affidavit, referred to this morning by Dr. Nelte, was introduced as USA Exhibit 531, on January 4, by Colonel Taylor; and the second Halder affidavit referred to by Dr. Nelte was introduced as USA Exhibit 533, on January 5, by Colonel Taylor.

THE PRESIDENT: Thank you.

DR. NELTE: Mr. President, Mr. Dodd was kind enough to give me a number of copies of the compilation of priciples of organization of the German Armed Forces. He has put these copies at my disposal, so that I am able to submit them to the Court which I now do.

WILHELM KEITEL--resumed

DIRECT EXAMINATION--continued

BY DR. NELTE:

Q You had last explained that on the 4th of February, 1938. one part of the former competence of the War Ministry was transferred to branches of the Armed Forces, and another part to the OKW, that is, the High Command of the Armed Forces. In the decree which has been mentioned it says, concerning these affairs: "The High Command of the Armed Forces, OKW, is taking care of the affairs of the Reich War Ministry. At the same time, the Chief of the OKW has, upon my orders, the functions which the Reich Minister of War had heretofore."

I have here a diagram, which I will submit to the Tribunal, which has

H0100 - 0022

already been sent to the Translating Division for the purpose of translation. However, I cannot say for sure whether it has already been translated and is in the hands of the Tribunal.

A The functions of a ministerial nature which were transferred to the OKW were executed by a number of offices. I shall name the most important now, indicating their functions.

First of all, a few words about the Wehrmacht Fuehrung Stab, the Armed Forces Leadership Staff, which, as an office of the Armed Forces High Command, was coordinated with the other offices concerning channels of command, and which had a primary position compared to the other offices. As the name implies, the Armed Forces Leadership Staff was an organ of the High Command of the Fuehrer, with which the Furhrer was in personal contact primarily. There we find no functions or competence of a ministry.

Then there was the General Armed Forces Office, Wehrmacht Amt, which took care of ministerial and administrative questions.

H0100 - 0023

One could call it a little war ministry.

Then, the office of foreign counter-intelligence, primarily administrative, but also in part as an assistance in questions of leadership.

Then, the office for armament and economy. I have to point out that in the year 1940 this was dissolved and only a small wehr wirtschafts amt--economy office--was left over, which was mainly concerned with questions of supply in various fields which the armed forces needed--fuel, coal, gasoline, etc.

Then an important field, that is, supply for the entire armed forces, called the Rekrutierung--a central office--which was more designed to take care of personnel questions within the OKW.

Then the judiciary or legal office and a number of other offices which it is not necessary to enumerate.

That was the ministerial function of the OKW.

THE PRESIDENT: Dr. Nelte, I think the Tribunal has followed the distinction whichthe Defendant has made between the General Staff for the High Command and the position of the OKW; but is it necessary for the Tribunal to go into all these details?

DR. NELTE: I had finished, as a matter of fact, with this section.

THE PRESIDENT: Very well.

DR. NELTE: I want to put just one more --

THE PRESIDENT: Before you pass from this documentthat you have just put before the Tribunal--this diagram--are you desiring to make an exhibit of that?

DR. NELTE: Yes. I would like to submit it in evidence, and it will still be submitted in translations.

THE PRESIDENT: If so, what number will you give it? You must number all your exhibits.

DR. NELTE: I would like to number it, K-1, Keitel 1.

THE PRESIDENT: Yes.

DR. NELTE: K-1A, rather.

THE PRESIDENT: Who prepared it?

DR. NELTE: We have prepared it and the presentation department of the

H0100 - 0024

Prosecution has reproduced it. The Prosecution also is in possession of that diagram.

THE PRESIDENT: Have you asked the Defendant to confirm that it is correct?

BY DR. NELTE:

Q Fieldmarshal, would you please look at it and determine whether this diagram is correct?

A Yes, I recognize the diagram.

GENERAL RUDENKO: Mr. President, the Prosecution has not received this diagram. Therefore, the Prosecution would like, before making conclusions, to acquaint itself with this diagram.

THE PRESIDENT: Have you got any more copies of it, Dr. Nelte?

DR. NELTE: Yes. I can have them brought up immediately, and I can distribute them right away. Then I would like for the Tribunal to reserve its decision until the diagrams have been distributed in sufficient number.

A (continuing) I recognize this diagram as correct. It does not contain the small minor changes which have occurred since the original creation of the OKW, which I have mentioned--changes in armament necessities and so on--but it shows the way in which it worked during the last years.

THE PRESIDENT: Go on, Dr. Nelte:

BY DR. NELTE:

Q In order to terminate this complex of questions I would like to say the following: Is it correct that according to this all Keitel's orders, which have been designated as such and submitted by the Prosecution, should be considered Fuehrer orders--that is to say, orders which were based upon Hitler's orders?

A Yes, that is the correct definition, as a conclusion of what I have said. In summarizing, I would like to state that these orders, as I have said in the beginning, as far as they are brought in connection with my name, I assume responsibility and have to assume responsibility, because I knew, of course, the content of these orders which I executed. I recognize in the documents which have been submitted to my my signature, and therefore I have to accept the documents as authentic. May I add that as far as I may have objections as a soldier or other objections, of course I have mentioned these

H0100 - 0025

objections. In the case of orders for which I thought objections existed, I attempted to avoid these orders--to prevent these orders--but I have to state at the same time that if the decision finally had been made by Hitler, without examining them any more, I had to issue these orders and to execute them.

DR. NELTE: Mr. President, before I enter the next part of my questions I would like to state the following:

The Prosecution has accused Keitel of participation in various crimes and has deduced this participation from various facts, facts which as such were not always to be brought in connection with each other and could not always be coordinated.

The Prosecution has said he had been a powerful and important officer of the state. That is included in the Indictment.

Then the Prosecution said he had been a tool, a powerless tool; and then the Prosecution stated that the relation between himself and Hitler had been a rather intimate one.

Now, you will understand that the Defendant wants to clarify or to protest against these things. He has to speak some more about the relations between himself and Hitler.

THE PRESIDENT: Dr. Nelte, that is what the Defendant has been doing. He has been explaining his relationship to Hitler, and if you want to elucidate it further you must ask him further questions.

Q I only wanted to let him speak about the general relation to Hitler. So far it has only been a relation of his office. Would you please tell us something about the work between you and Hitler? I ask you to be as brief as possible and tell us only the most necessary facts, but at the same time so that we can get a clear picture.

A The cooperation can only be characterized by comparing it with the one between a high military commander and his subordinate. In other words, such relations as I have always had in my career as a soldier toward my commanding officer of whose staff I was a member. From this strictly military and soldierly relation can best be explained the relation between Hitler and myself. Of course, it was my duty and my right at the same time to express

H0100 - 0026

my opinions, and how difficult that was can only be judged by someone who knows that Hitler, after a few words, used to assume the entire conversation and to speak about the subject from his point of view alone. It was very difficult then, of course, to start speaking about that subject again.

I have to say that I was quite accustomed by my various positions in high staff functions to get around the superior commanders, but the conditions such as I have met them here were quite difficult. I was quite unaccustomed to it and they surprised me, and not infrequently they brought me into a state of uncertainty. That can only be understood if one knows that Hitler, in military or soldierly questions--if I may say it very carefully--was a man with extensive plans of reforms and considered me with my thirtyseven years of service as a soldier of the old school.

H0100 - 0027

Q Was that the same during the war or do you refer to old times, I mean times before the war?

A During the war these contrasts were moderated by the events; by the fact that the actuality of all events limited mannerisms and therefore these things did not come to the foreground. But, on the other hand, it was doubtless so that Hitler in his discussions, in his briefing discussions, had a compartively large circle of about twenty people around and speaking in terms of a soldier, in military terms, without consideration stated his criticism and his accusations, as a rule against people who were not present. I have taken the part of the absent person as a matter of principle because he himself could not defend himself. As a consequence I received all the accusations or criticisms and my training as a soldier forced me finally to exert a great deal of reticence because as an officer and before younger subordinates one cannot protest to a superior or utter any objections or protests. To protest before a number of personalities, regardless of what rank, was unbearable to the Fuehrer. One could only try to speak to him personally about these things and alone.

Q Were you of the conviction that you had Hitler's confidence?

A I could not say defiately. I have to admit frankly that Hitler's confidence in me was not without reservations and today I know sufficiently well that there were many things concerning which he had never spoken frankly to me and never took me into his confidence. It was definately so that Hitler, as far as old soldiers were concerned at least, had a strong suspicion. They were products to him, of an old and ancient decadent school and in this sense to us old soldiers he was a man who brought revolutionary ideas into the Wehrmacht and into armed training and frequently that led to a most serious crisis. I believe I do not have to elucidate as to that. The worst thing, however, was that this lack of confidence manifested itself in one form, that is he always believed that I was in a sort of conspiracy with the Generals in the army behind his back and that I supported them against him. Perhaps that was a consquence of my habit of defending them in their absence and in various circumstances that led to extra-ordinary difficulty and serious crisis.

Q Much will depend on finding out in which manner your work with Hitler

H0100 - 0028

can be evaluated, how far you could be considered his collaborator or advisor. Could you tell me whether Hitler, such as is done otherwise in close collaboration, discussed his plans with you?

A To that I have to answer no, in general terms. It did not agree in any way with the whole personality of Hitler to have advisors of that kind, that is if you call an advisor somebody who gives advise. I was an advisor, of course, in the sense of presenting a great number of military elements from long experience as an officer but not in the form of an advisor to help formulate a decision, those far-reaching decisions which are doubtlessly meant here.

As a matter of principle the formulation of a decision was preceded by weeks or months of evaluation. During that period sometimes for days one had to assist by presenting material. But as far as the main point was concerned, the decision itself, there he did not except any influence and therefore it was always so that the final answer was, "This is my decision and nothing can be changed about it." That was the manifestation of his position.

Q But if there were different departments which were competent for these decisions, weren't there any discussions together, any conferences?

A No. I cannot remember or recall that any one of the really important decisions after the year 1938 had ever been formulated within the community of a conference, say between the politicians and the soldiers or ministers because it was the peculiarity of Adolp Hitler that each department and each chief of a department was heard alone and Hitler made use of whatever he could get out of these men and to find some element from them that could be used in the elaboration of his plans. But it is not as it may seem if one looks at the documents here of minutes of conference of generals, of meetings and similar things with a list of those present. Never did such a meeting have the character of a deliberation. That is quite out of the question. If the Fuehrer had an idea a certain trend of thought and if for various reasons he thought that there were ideas opposed to his he took that as a reason to explain his thoughts before a larger circle to clarify it. In other words, deliberations within these circles and when these meetings took place never existed. I have to add that the external form in which these things took place was so that, following the military example, the oldest general, the highest ranking general, reported. Then he

H0100 - 0029

sat down, the Fuehrer arrived, talked and left. Nobody in such a situation could have the possibility or could have found the energy to say anything. To use just one word for it, and I certainly do not exaggerate, it was the issuing of an order but not a conference.

Q To come to a different subject, the Prosecution has asserted you had b been a member of the Reich Government. What do you have to say about that?

A I never belonged to the Reich Government. I was never a member of the cabinet and I have to state that I never became a minister but as it is expressed in the decree of 1938 -- he had the rank of Reichsminister. He is not a Minister. The expression "Minister" is, of course, simply intended to mean with the rank of Minister. There was a good reason for that.

As to the question which has been mentioned frequently by the prosecution that I had the rank of a Minister, I have to clarify that by saying that I put the question when the decree was issued with whom I had to deal, with the State Secretary or with the Minister and Hitler said: "If you deal on my orders with other departments of the Reich then, of course, you can only do that with the rank of a Minister." That is the explanation for that expression in the decree -- he has the rank of a Reichsminister.

H0100-0030

Q Did you, in the headquarters, with other important personalities, such as Ribbentrop, Rosenberg, Speer and Sauckel, did you have any conferences with them?

A The visit of ministers or of plenipotentiaries at headquarters was following a certain plan and very seldom lead to the simultaneous presence of several of them. Generally, it was so devised that everyone was coming at a certain time. I was informed, of course, generally, that the Foreign Minister was there, or Mr. Speer, or the Plenipotentiary for Manpower Sauckel, but only in case of purely military questions I was called for conferences which the Fuehrer had with these gentlemen alone and I could name examples for that, but as it has been mentioned during the interrogation of State Secretary Steengracht, it would be wrong to believe that these gentlemen who came to headquarters would have formed a sort of small cabinet. Hitler dealt with and spoke to actually everyone of these officials alone, gave him his orders, and sent him away with these orders, and it certainly happened that on the way home, these gentlemen may have paid a visit to me, mostly with small questions and asking small favors which I could do for them, or with the order to forward a decision to those military officers who had to know about it.

Q In conclusion of that chapter, I would like to know whether the expression, which is included in the indictment, "intimate", whether that is correct in describing the relations between you and Hitler, privately or officially?

A I have found the "intimate" in the Indictment and I asked myself what made anybody think so and if I shall be quite frank, I can only answer that question by saying that nobody ever heard from a single word about the actual conditions and the difficulties that I have had. I kept quiet about them. "Intimate", -- we call these relations -- I don't know if the English translation "intimate" expresses the same thing which we call "intim" -- that is to say, a relation of confidence, of frank statements. That did not exist. I have characterized it before already, that it was not in keeping with Hitler's mentality to stand on an "intimate" footing with his older generals, amongst whom I was the eldest, independent of the formal relations

H0100 - 0031

which had formerly been, sometimes for weeks and months, just the form that was kept. The relation has never gotten to where one could classify it as that of a close advisor or a close assistant and such as I had known it from my many positions on staffs. I must say that with which I am then concerned, I have been faithful and loyal and I always considered it my duty in my position and I have also to say that a sincere relation based upon personal understanding and confidence never existed. It was always a correct relation but it was military, official, and never went beyond that.

Q By the decree of the 4th of February 1938, a Secret Cabinet Council was established. According to the content of that decree, you are supposed to have been a member of that Cabinet Council. In order to save time, I only want to ask you: Do you confirm the statement made by Reichsmarshal Goering, from your own knowledge, that the establishment of that Secret Cabinet Council was only for reasons of prestige and that Cabinet Council was never constituted and that it never had a session?

A I can only answer, never.

DR. NELTE: Mr. President, I should like to take the opportunity -- here is the English translation. I come now to the questions of the Reich Defense Council --"Reichsverteidigungsrat." In the session of the 23rd of November, the prosecutor has submitted in evidence as proof for the rearmament and the active participation of the Wehrmacht, of the Armed Forces, in the planning of wars of aggression. Submitted, among others, is the document EC-177, which was designated as "Meeting of the Reich Defense Council of the 22nd of May 1933." I have to say that I have taken the translation from the transcript and I am not sure whether the expression "Reichsverteidigungsrat" -- Reich Defense Council -- was translated correctly. It says in the transcript that it was a meeting of the committee, the working committee. For your orientation, may I say that the "Reichsverteidigungsrat" was supposed to be a sort of ministerial forum and that outside of it there existed a working committee.

A second document EC-405 was submitted, a meeting of the same organization on the 7th of March 1934; and a third document 2261-PS dealing with the appointment of Dr. Schacht as Plenipotentiary for the Economy.

BY DR. NELTE:

Q Beyond doubt, you have been active in questions of National Defense,

H0100 - 0032

witness, and these documents are also used, submitted against you as evidence. I ask you, therefore, to state your position as to whether these meetings in which you participated and which you have conducted, were concerned with the preparations for war and rearmament.

A One moment, please. From the very beginning, as long as we were concerned with these things, as long as it was a committee of experts from which everything else evolved, I have been active in these affairs and I may speak of myself as the founder of that committee of experts of the ministry for the purpose of coordination with the War Ministry. As Chief of the Department of the Organization of the Army, in the winter of 1929 and 1930, that is, three years before the time when Hitler came to power, I have formed that council, that committee after the Chancellor --- I believe it was Bruenig-- and the Prussian and Reichsminister of the Interior Severing had consented to it, and there was always the Deputy of the Minister Severing present to make sure that nothing happened there which would have been in violation of the Treaty of Versailles. That work was very difficult because no minister and no chief of the department was obliged officially to carry out the demands of the War Ministry or the army and it was purely voluntary. Consequently, the work went along with great difficulties and very slowly. We dealt in this committee of experts, which convened perhaps twice or three times during the year; and if I may summarize it, we dealt with the problem, "What assistance can we get from the civilian departments in order to free the small army of one hundred thousand soldiers for purely military tasks?"

H0100-0033

Of course, the question of the perfection of our borders, such as is stated in the Treaty of Versailles, I could still say from memory what we talked about, since, with the exception of the time from '33 to '35, I have conducted every one of these meetings myself or at least was the chairman of the meetings, not the chairman of the committee. I can point to the mobilization book for civilian authorities, which I will mention later again, which was the outcome of this work.

We were concerned only with questions of a defensive nature, protection for our borders, and, in order to be better understood, I may mention some of them. The armed forces should be relieved of the duty to safeguard the bridges; the customs organization should take care of customs; the connection of East Prussia should be improved. These were all defensive measures in order to free the soldiers for purely military functions. This was for the purpose of a purely military use, and I do not have to clarify any more how little could have been done with an army of 100,000 men. All the questions which could have gone beyond that scope were never dealt with in that committee, and the way in which we worked was this:

The experts were asked by me to present their demands to the various departments and then to try by persuasion to assure that these departments took care of the various tasks so that we could say that we had nothing to do with it. The question of an operational strategic nature, armament questions, supply questions, as I can guarantee, were never discussed in this committee. There were only questions of an organizational nature, of taking over functions which generally should be the task of the soldiers, but which we wanted to transfer to civil authorities.

As to the meeting of 22nd of May, 1933, which has been mentioned several times already in the heading of the minutes, we can see, until now the Reich War Ministry, and now by duty the department heads, that is the ministers, who received the designation "defense counsel". I have to say that more clearly so that it should not be misunderstood. Each member of the committee represented one ministry, and the superior competent for this member, who was a Minister, formed with his colleagues, according to our usage of the term at that time, the Reich Defense Counsel. Therefore this remark "So far, the competent Reich War Minister, now the others, are

H0100 - 0034

obliged to carry out" that and that. Especially in paragraph 3 the plans were mentioned. The plans, in other words, have preceded the mobilization book, which is the final stage while these plans were in the intermediary stage, I would say in the year 1933.

Then, about the meeting of the 22nd of May, the final words which have been emphasized here by the Prosecution concerning the secrecy, where I have said, "Such, as the minutes, include that nothing written should pile up on the desks of the ministries which could lead to objections at the disarmament conference at Geneva." That is true as I have said it, and I have said it because those experts told me that, with the exception of a small drawer in the desk which could not be locked, they did not possess any place where they could safeguard the documents, and because the then Reich War Minister von Blomberg, who had been in Geneva almost two years, at the disarmament conference, gave me thedefinite order before that meeting was held to emphasize these things because people in Geneva were surrounded with a large number of agents who were only waiting to be able to present proof that, in spite of the negotiations for disarment, things were going on which represented violations of the Versailles Treaty.

Q I have given you themobilization book for the civil administration. It is document PS-1639. It has been submitted in order to prove that we are confronted here with the planning of aggressive wars. Would you please explain to us what the purpose of this book was?

A I have already reported that at an earlier stage, during the years '32, '33. The various ministries had so-called working schedules which included some sort of check lists, and in the course of years, of course, a number of new tasks have been added to those listed, and that led to this mobilization book for the civil administration, the study of which would certainly not produce anything which would have anything to do with strategic or operational prepartions for war. On the other hand, I am not in a position to prove that everything which was in this book would never have been useful in military operations which may be called aggressive war because one

H0100 - 0035

could say that most of these measures would not show, in the cases of mobilization, whether it is a measure for the defense or a measure which is necessar for an aggressive action. That could not be determined. But I believe I can say, because I, myself, personally have engaged in this work more than anybody else, that there was no reason at all to burden the civilian experts with strategic questions of military planning and I believe that doesn't even have to be proved.

I have this mobilization book here and I went through it. I studied it. I do not wish to bore anybody by citing points which are of a defensive nature or the increase of the border supplies, measures against the interruptions of the railroad traffic, and similar things. One of the most important chapters, if I remember correctly, with which we occupied ourselves during four or five of these sessions, was the question of evacuation of territories close to the border, so that, in case of a war, we should not fall into the hands of the enemy. This problem of evacuation was one of the most difficult ones, To determine the border region which can be evacuated is one of the most difficult decisions.

I want to say one more thing about the Reichsverteidigung Ausschuss. In supplementing the things which I have expressed before, until the year 1938, at no time has there been a meeting or a session of the Reich Defense Counsel. That is to say, the ministers who were superior to the committee never, not a single time -- I would have to know that -- although in the cabinet meeting, I believe already in the month of March, 1933, the resolution had been taken to give these ministers the responsibility of a Reich defense counsel and to oblige them to take over these tasks in the interest of the defense of the Reich, and, of course, also to finance them, -- that was the main purpose -- the Reich defense counsel never had a meeting.

Q. As a matter of fact, the minutes which have been presented for the time from '33 to '38 are then meetings of committees, but you know that eight days ago minutes of meetings of the Reich defense counsel have been submitted; one meeting or assembly, supposedly, was in November, 1938, and the other one in March, 1939. Unfortunately, I have not received these documents, but I

H0100 - 0036

have looked at them and you have seen then also. Can you explain to us how it came to these meetings and what they mean?

A. I only want to say a few words after the explanation which Reichsmarshal Goering has already given. In September, 1938, the Reich Defense Law, which existed until then, since 1935, and had not been published, had to be changed for the reason that the Reich Defense Law of '35 was based upon the function of the Reich War Minister and commander in chief of the armed forces, and that office did not exist any more. I was with the Reichsmarshal Goering to discuss with him how to find a new basis for this law, which until then had existed without having been published. That law of the fall of 1938 had a number of supplementary points compared to the old one, and perhaps I will have a chance to mention the details later. Among other things, here, also, the Reichsmarshal Goering was the deputy of the Fuehrer, whereas before it had been the Reich War Minister, a function which I could not have.

This discussion in November, 1938, to recall it briefly, had been called by the Reichsmarshal in order to present this non-published law and this law which was not supposed to be published, but to present it to a circle of about seventy or more people, to whom the Reichsmarshal explained the purpose and the essence of this law in the form of a speech. Discussions of any kind did not take place beyond that speech, and one cannot speak of it as a meeting, definitely, of the Reich defense counsel.

You also showed me the second document of the meeting of the Reich Defense counsel the other day, Reichsverteidigungsrat, and also the minutes of that meeting of summer, 1939.

Q. No, March, 1939.

A. That was called here, and I believe it was also the second meeting of the Reich defense counsel. I can explain that.

H0100-0037

I called a meeting of the committee and, of course, Reich Marshal Goering, and the schedule was presented to Goering and the names of the people who were to be invited. Reich Marshal Goering let me know that he would come himself and he would extend the circle to include a number of people who would be present. This discussion, therefore, was based on a definite agenda; concrete questions were brought up. It is, however, remarkable that according to the list of those present, the members of the Reich Defense Council were only representedby a very small number, although there were about forty or fifty people present. The Reich Defense Council itself was an organization of twelve people, and it needs no further explanation that according to the form in which these two discussions or meetings took place, one could not say that this was a plenary session of the Reich Defense Counsel based on a definite schedule; but there were two meetings, and to the extent whichI have described.

(A recess was taken.)

THE PRESIDENT: Dr. Nelte, the Tribunal think that you might get on a little more quickly with the Defendant. The Tribunal recall that you asked a few days ago that you might submit an affidavit of the Defendant's evidence, and there is in your document book an affidavit. You have been over all those matters in the affidavit at very much greater length than you would have gone into them if you read the affidavit, and we hope that you will be able to deal more shortly with the evidence in future.

DR. NELTE: Mr. President, I believe I madevery effort to be as brief and concise in my questions as possible, but the evaluation and judgment is, of course, always subjective. The Defendant is the onewho is the most often quotedin this proceeding and he is the most often mentioned, and naturally he is interested in having those matters clarified which he considers vital, in order to present his picture clearly and decisively.

THE PRESIDENT: Well, Dr. Nelte, I don't think it is necessary to discuss the matter further; but the Tribunal have expressed their wish.

DR. NELTE: As far as I am able, I shall comply with your request, Mr. President.

(The Defendant Keitel resumed the stand and testified further as follows:

H0100 - 0038

BY DR. NELTE (Continued):

Q You just told us about the Defense Counsel and its committee, as to how they differed. You must have a clear picture that we are not so much concerned and should not be concerned so much, whether decisions were made by the Reich Defense Counsel or its committee. We are concerned and interested in those things which actually did take place and whether the things that did take place and happen were in accordance with the assertion and contention of the Prosecution, and to that extent I request you to tell me those things which you deliberated on in your committee. Was it such as to justify the suspicion that you were considering aggressive war?

A I am absolutely certain that we are not concerned with the formality whether it was the Council or its committee, but the committee was a group of small insignificant experts. And we are concerned with those things which actually did take place, what was done, and with the limitation that in the year 1934 and until the autumn of 1935 I was not present at these deliberations and discussions, and therefore cannot vouch for every word which was spoken at that time. I must state that any and all things which might be for the preparation of wars in an operational armament or strategical preparation, such matters were never discussed.

Q The Prosecution has labeled you as a member of a three-man college and as a result of that you are supposed to have had certain obligations or certain commands as far as the German Reich Government was concerned. I am submitting Document 2194-PS to you. In this document you will find regarding the Reich Defense Law of 1938, paragraph 5, sub-section 4, the source of the term which in itself, of course, is not official.

H0100-0039

A In the Reich Defense Law of 1938, in order to limit matters, a general plenipotentiary for administration was established. The Reich Minister of the Interior was to have this office, and, furthermore, as far as sub-section V was concerned,--sub-section IV for Postal and Railroad Matters, the High Command of the Army was to have special preference for in the case of a mobilization, they took care of transport and communications, and this applied in all countries. The Three Men College is a concept which I have never heard until just now. It probably refers to the general plenipotentiary for administration and economy and the chief of the OKW. These three were meant, and there is no doubt about that, and for that reason and since, in line with the Reich Defense Law, they issued a number of decrees which were to be publicized and announced when this law was made public, and each one concerned had to make the necessary preparations in his own sphere, and this concept of the Three Men College arose.

Q Then, further, the Prosecution contends in line with document 2852 that you were a member of the Ministerial Council for Reich Defense. Did you become a minister through this appointment?

A I might perhaps say something first of all about the Ministerial Council. When the Ministerial Council was created, all the laws of the Reich Defense Council and the Reich Defense Committee disappeared. Therefore, they were never published and never took effect, and the Minister Council for Reich Defense, which originated in the first week of September 1939, absorbed the Reich Defense Council and Committe, and the Ministerial Council was now a small war council. Now a new basis was created, and the decrees which were necessary were put into effect through the Ministerial Council for Reich Defense after it had been created and officially confirmed.

I was called into this Ministerial Council. I received a chair in this group, but I prefer not to cite the reasons. They were entirely personal. I was never active in this Ministerial Council for Reich Defense, but I was a member, and it was not necessary since in the purely military sector--that is, things with which the Wehrmacht was concerned--the Fuehrer, without the Ministerial Council, issued through his own signature decrees, and they had the force of law, and a circumvention by way of the Ministerial Council

H0100 - 0040

through Berlin was not necessary, and to the question of whether I actually became a minister or received the functions of a minister through this appointment, I must say, in my opinion; No; I must deny this. I had no right to exercise the functions of a minister. I was only the deputy of the armed forces of the Wehrmacht in this Ministerial Council.

Q It can not be disputed that your name is at the bottom of many laws which were issued; that you signed these laws. How can you explain the signing of these laws?

A Yes, I did sign a series of decrees given out or issued by the Ministerial Council Secretariat. That is through the chief of the Reich Chancellory, Minister Lammers. They were given to me with

H0100 - 0041

the request to sign these decrees also. As to the question of the necessity of my doing that, I received a formal answer from Lammers -- so that the other Reich departments could see that the Wehrmacht was not excluded from these laws and decrees, and that is the reason why I signed these decrees. That was the reason -- that the Wehrmacht was to be included and was to obey these laws and decrees. I had no misgivings of any kind in signing my name.

Q. The Prosecution further accuses you of being a political general. Undoubtedly you appeared on special occasions. What can you say to clarify this concept, this accusation, and can you tell us how it came about?

A. I can readily understand that the functions of a ministerial nature which brought me in contact with Reich ministers -- and this was necessarily so because everything in the final analysis touched upon the Wehrmacht -- might seem to indicate that I had exercised a political function in these matters. Similarly, other reasons might be found. That is whether, through my presence, as is shown in many documents, at visits of state that I was present there in such a way and that through that I exercised a political function or had political connections.

Both counts are untrue, both in the internal ministerial German sense and as far as foreign political matters are concerned, but many things had to be regulated and settled. In almost all decrees which the civilian ministries issued, the Wehrmacht had to be heard in some way and this channel of business took place in Berlin, where I was with the Fuehrer at headquarters, and it also meant that in my many positions in OKW -- that is, in an easing up of the situation there -- I had to work with the various Reich departments and its experts, and in that way it came about that decrees of that sort originated, to which my position and view and the agreement of the Fuehrer had to be received through me, and in that connection I was the person who knew of the view of the High Commanders of the Wehrmacht and I had to unify all of these spheres and aspects in my person. Through my main activities, I was drawn into the general picture, into the general framework, but I do not believe that this would justify that the military chief of staff of the Fuehrer should be termed a political general.

H0100 - 0042

Q. And what was the foreign political situation and the foreign political meetings?

A. As far as foreign politics and policies are concerned, I would like to say only and emphasize what the former Foreign Minister has already said in connection with collaboration of the leadership of the Wehrmacht. If two commanders were to go their separate ways, then it was on one side the Wehrmacht and on the other side foreign politics and especially under the influenc of the Fuehrer. The Fuehrer was against collaboration or the exchange of thoughts. He kept us in separate camps, so to speak, and wished to work with each separately and alone. I wish to emphasize that most emphatically, and this applies to all other departments and the representatives who came to headquarters were received alone; they deliberated with the Fuehrer alone, and left alone.

As far as foreign political activity is concerned, I would like to say that in regard to keeping in touch with the Foreign Office -- as Steengracht has already touched upon in a small way -- all of these connections were on th basis of international law -- as far as prisoners of war were concerned, dealings with protective powers, and the sphere which appeared to Steengracht when he said that reports of military attaches came through the Foreign Office During the war, these reports, of course, were of special interest, and they brought about certain contacts. We had to complain that we received these reports too late from the Foreign Office or that we wanted our reports direct, rather than having them circumvented, but as far as the rest is concerned, I would like to emphasize that there was no collaboration of any kind or nay community of work between the Foreign Office and the Wehrmacht.

H0100 - 0043

Q About ten days ago document D-665 was submitted by the prosecution. This document has the heading, "Thoughts of the Fuehrer about the Waffen SS" dated 6-8-1940. In this document there is a passage--the document of the OKW-- in which the following is set forth:

The Chief of the OKW has established that the dissemination of the thoughts of the Fuehrer about the Waffen SS can only be desired."

Do you know this document?

A Yes, I saw the document at the time when it was submitted. I read it and I recall it. The origin of this document I believe, I have to clarify. After the war in France Hitler wanted an independant status of the SS, and the Waffen SS were to be converted into special units. Up until that time they had been annexed to various army groups. Now these groups were to be made into divisions and they were to be independant formations or units from now on in. Then this created unrest in the army, it brought about depression among the Generals, and it was said that this was a rivalry of the army. And then sentem that there was only one group who could bear arms, and that was the Wehrmacht, and this promise had been broken, what would it lead to. Then the Commander-in-chief of the army spoke to the adjutant of Hitler about this rather exasperating affair. And General Schmundt then returned the passage, which is mentioned in this document, with the approval of Hitler. I personally was with the Fuehrer and told the Fuehrer that this was an affront to the army. He decided that this matter should be handled by his adjutant, for the Wehrmacht was not concerned with it. The publication for the calming of dicontent was distributed by the army itself, and the announcement from me that in this case dissemination should be taken care of. And it was satisfactory. Brauchitsch asked that he might distribute even to the smallest unit this announcement so that this might have a calming and quieting influence on the army; that these would be police troops which could not be used in war if they were not recognized at home. Therefore I believe this is the background, and if I am asked what my position is at present on this matter I would like to say that at that time I was active in saying that matters should have their limits; I believe ten percent is mentioned. Then it developes that after 1942 this formation lost the character which it originally had had, the character of elite troops,

H0100 - 0044

and it was not to be confused. And I was afraid that someday this instrument of the Waffen SS, which was more than twenty divisions strongm, that it would one day be an army with a different ideology. And I had the greatest misgivings about this matter, especially now, as the things which had come into being did not have a selective characteraany more. As far as officers and men were concerned there was a transfer of personnel; it was not a selection of volunteers. I do not believe that I need to coment further on this point.

Q The prosecution has submitted document L-211 to me. It has the heading "The Carrying Out of the War as a Problem of Organization." It contains the position taken by the OKW to the memorandum of the Commander-in-Chief of the Army regarding the organization of the leadership of the Wehrmacht. This document was submitted in order to show that the OKW and you as its chief had aggressive tendencies and had put them down in this study. I assume that you remember this study, and what you can say about the accusation which is based on this study?

A This study was submitted to me preliminary interrogations, and I recall its existence, of course. In this connection I must mention the antecedents and the background. It is not exaggerated that in the first years of-- in 1920 that is shortly after the completion of the First World War. I believe that in all countries which had participated there was extensive literature about the question, "What is the most expedient way for the leadership of the Wehrmacht?" I wrote this, and I know people in the United States and England and in France who were afterward concerned with the problem of Kriegs- itzeng-liederung" (Organization of highest army echelon) about which Blomberg said that his position was solution number eight,

H0100 - 0045

that seven had been disposed of already. And in this connection there was rather a struggle between the OKH and the General Staff against the idea of a comprehensive leadership of the Wehrmacht, and with the demand of a large General Staff as in the past to have the leadership potential fixed that way. After OKW was established and Blomberg had faded from the scene the army considered it opportune to bring this matter once more under discussion. Therefore, this memorandum was the result, and that which we see now as a stury is the answer.

I collaborated in this answer, and I can vouch for Jodl and myself that we were the only men who worked on this. And I can establish that at that time there was no concrete problem, or there was nothing in the nature of preparatory work in case of a war. We were not concerned with that problem at all; we were concerned only because there had been some investigation and some memoranda that we set forth the solutions which to us seemed the right ones.

THE PRESIDENT: Doesn't the document speak for itself? He says he collaborated in it, but that he wasn't concerned with it at all, so that is all that needs to be said. The document speaks for itself then.

DR. NELTE: Perhaps the defendant might be able to clarify some of the thoughts contained in this document, You Honor, and in addition, Mr. President, I, so far as document book two is concerned, do submit the affidavit regarding the OKW and the General Staff signed by Keitel and Jodl. It is number two of document book two. I think you should have that before you.

THE PRESIDENT: Is that the affidavit of the 28th of March?

DR. NELTE: The 29th of March, Your Honor.

THE PRESIDENT: The first one in the book, or where is it?

DR. NELTE: In the second part.

THE PRESIDENT: But what page?

DR. NELTE: There is no consecutive pagination; it is just a table of contents, and under that you will find it as number two.

THE PRESIDENT: Are you quoting then from L-211 now? Are you finished with that?

DR. NELTE: This affidavit belongs to L-211.

H0100 – 0046

H0100 - 0047

THE PRESIDENT: I thought the witness said he had collaborated in the study, which is L-211, and that it wasn't concerned with war. You might leave it at that.

DR. NELTE; I believe, Mr. President, we are concerned in this proceeding with hearing what the defendants have to say to those documents with which we are charged and which accuse them. That which the defendant wishes to say to document L-211 in clarification is put down in the affidavit, which is found in document book number two.

THE PRESIDENT: If what he wishes to say was put down in the affidavit then he shouldn't have been asked about it; the affidavit should have been read.

DR. NELTE: The difference between what he will say here and what is in the affidavit is considered substantial. He said very briefly that what he wished to say in a summary. The affidavit is longer, and therefore I believe that I might dispense with reading the affidavit if he could tell us briefly the chief points with which we are concerned.

THE PRESIDENT: You and I have a different idea of the word summary.

DR. NELTE: May I continue, Mr. President?

THE PRESIDENT: Yes, go on.

H0100-0048

BY DR. NELTE:

Q. Now, I will turn to the complex questions which concern rearmament, and the case of Austria, Czechoslovakia, and so forth. I would like to ask you about the accusation of the prosecution that you participated in the preparation of aggressive wars.

So that we can understand each other, and you can give your answers correctly, it must be clear just what is meant by aggressive war. Can you tell me your views on that subject?

A. As a soldier, I must ssy that the concept "aggressive war" does not mean very much to me in that sense, as such. We did know about aggressive action, or defensive actions, actions of retreat and how to carry them out, but, according to my own personal and soldierly feeling, the concept "aggressive war" is a purely political concept and not a military, soldierly one. I mean by that, that the Wehrmacht, or the soldier, is a tool of politics, but he is not called upon to decide or to judge whether we are concerned with aggressive war or not, so far as military actions are concerned.

I believe I am able to say briefly, to summarize this, that military officers were not the decisive ones and should not have been such, and that decisions were not the mission of the soldier, but of the statesman.

Q. Then you mean to say that -- and I rather imagine this applies to all commanders-in-chief and offices connected therewith -- as far as the question of whether a war would be an aggressive war or would be conducted for the defense of a country, in the final analysis, whether a war is a just war or not, that does not fall into the sphere of your professional deliberations?

A. No; that is what I wish to express.

Q. Then that is an explanation which you are giving. However, you are not only a soldier, you are a personality as well, a personality who has a life of his own, an inner life. In that respect, didn't you have thoughts about an action which had been planned, that some of these things might be unjust?

A. I believe that I can say to that, only as far as my military career and development is concerned, that I grew up with traditional thoughts, and we

H0100 - 0049

were not concerned with these questions. Naturally, one has an opinion of one's own and one has a life of one's own, but as far as professional functions as a soldier and officer are concerned, when you are a soldier and officer you have given away your personal and private life, and your life as a soldier is first.

I did not feel, and consequently cannot confirm, so far as this is concerned, that I thought about these purely political questions, and that I was of the opinion that a soldier can demand that he can have the confidence of the state leadership; and, therefore, he is called upon to do his duty and to obey.

Q. Perhaps we can take up the questions one by one.

Did you know Hitler's plans for rearmament, and the, later, plans for aggression, as the prosecution contend. I am concerned chiefly with February 1933 to, let us say, 1938.

A. It was clear to me that with the appointment of Hitler as Chancellor, undoubtedly we soldiers would have a different leadership and would have a different position in the Reich, and that the military factor would find new and different considerations than had been the case before. Therefore we ahiled, frankly and openly, that at the head of the Reich Government there was a man who had decided to bring about an era which was to lead us away from conditions as they had obtained.

In that way I must confess that so far as plans and intentions of re-armament were concerned, so far as I was able to judge them, I hailed these thoughts.

At any event, in the year 1933, in the late summer, I resigned from my activities at the War Ministry and spent two years at the front. I returned at a period of time when the Wehrhoheit -- that is, military independence -- had been reestablished; rearmament had been declared and it was carried on openly. In the time of my absence I did not follow these matters.

At any rate, in the time from 1935 to 1938, during which I was chief with Blomberg, I, of course, saw and experienced everything which took place

H0100 - 0050

in connection with rearmament and what was done on the part of the War Ministry in this respect.

Q. Did you know that the occupation of the Rhineland -- that is, of the demilitarized zone -- and the reestablishing of the Wehrhoheit and conscription, the establishment of an air force and the increasing of the number of soldiers, was a violation of the Versailles Treaty?

A. So far as the verbatim language of the Versailles Treaty is concerned, as long as we acknowledged the existence of the Treaty, the terms of the Treaty, of course, did not permit any of those things. A study of the Treaty of Versailles, I can say, was made very intensively in order to find loopholes through which we could, without violating the Treaty, take measures which would not find us guilty of breaking the Treaty. That was in connection with the Reichsverteidigungst Ausschuss (Reich Defense Committee). We were concerned with that.

After 1935 conditions were different, and after my return as Chief, with Blomberg, I must state frankly that I had no misgivings as to whether the question rested with us in any way as to whether it was a violation of the Treaty of Versailles, because the things which did take place happened openly. It had been declared by us that we would raise 36 divisions. Discussions had taken place, and I could not see anything which in any was would be considered as a violation of the Treaty, or which could be considered as such by our soldiers.

We all knew about it, and it was our wish and our will to do everything to be free of the territorial and military chains of the Treaty of Versailles. And I must say frankly that any soldier or officer who did not have similar feelings towards his country would be very worthless, in my estimation.

Q. In these proceedings, an order, C-124, was shown, or a command, which bears your signature. We are concerned with aerial reconnaisance and movements of U-boats at the time of the occupation of the Rhineland. Participation on your part, so far as the occupation of the Rhineland was concerned, was mentioned. In what capacity did you sign this order or decree?

H0100 - 0051

A. Von Blomberg had decreed this. It was a mission which General von Blomberg had given me, and I transmitted this decree to the Commander-in-Chief of the Navy and of the Air Force. I recall that we were concerned with supervisory measures which were to be established during those days in which the three battalions were marching into the demilitarized zone.

H0100 - 0052

Did you, until your appointment as the chief of the OKW, from Hitler himself or through other channels, have knowledge of those things for which there were plans in existence which, contrary to expressed peaceful assurances by Hitler, were to be put into effect only through war?

A I cannot remember. In this period of time until the first practical measures were taken in the case of Austria I heard about a program or a programmatic establishment of a plan which was to go into years. I must say also that we were so occupied and so busy with the reorganization of the small army of seven divisions into an expanded unit--to have them expanded twice and three times--and the creation of an air force, which was non-existent, that in these years one would have to be in your office to know that we were concerned completely and wholly with organizational problems.

I have already described the methods of work used by Hitler, and we can draw the conclusion that it is absolutely clear that we never heard about these things.

Q Did you, up until the 4th of February, 1938, have any personal connection with Hitler?

A In the years 1935 to 1938, as chief with von Blomberg, I saw the Fuehrer three times. He did not say one word to me and he did not know me. If he knew anything at all about me it could only have been through von Blomberg. Any contact either with the Fuehrer himself or through other ways, perhaps through prominent personages--I had no contacts with him. My first conversation with him was in the last days of January before I was called into office.

Q Did you know about the meeting with Hitler in November of 1937? Didn't you hear about that conference? There was a conference in which Hitler, as it is alleged, made public his last will and testament.

A In the preliminary interrogation under oath I have stated that I did not know about this, and that I for the first time saw the minutes or a record of this meeting. I believe it is the Hoszbach document. And I do not in any way remember that von Blomberg after this conference gave me any directions that I was to take any preparatory measures. That is definitely not the case.

Q Did you know of the territorial demands on the part of Hitler?

H0100 - 0053

A Yes. I must affirm that. I had received word, and I knew from public political discussions, that a series of territorial problems, as a result of the Treaty of Versailles, was an aim--to have these territorial matters settled in one way or another sooner or later; that is correct.

Q And what did you think about the realization or the way of the solution of these territorial problems at that time?

A I only saw these things and evaluated them as far as they concerned military problems. I can say only in 1935, when I left my troops, none of these 24 divisions which were to be established existed. I considered all of this, nt from the point of view of political aims, but with the sober consideration that we could not do anything through military means if we had no military means at our disposal.

As a result of that, in my case I was concerned with the program of rearmament, and in 1935 the end-term for the navy was 1945. Therefore, we had ten years in which to raise a concentrated wehrmacht.

Therefore, when these problems approached me in a political way I did not consider them acute, for I considered it impossible to realize these plans in ways other than were at hand.

Q How can you explain these general directives of June 1935 for preparation for mobilization?

A This document is actually a general instruction for mobilization and was in line with our traditional general staff tendency which had been in existence even before the First World War -- that something like that must, as a matter of basic principle, be prepared for. But as far as political planning on the part of Hitler was concerned, it had nothing to do with any planning of that sort, for at that time I was already the chief of staff with Blomberg and Jodl was at that time concerned with landesverteidigung (land defense). Perhaps it is a bit presumptuous for me to say that we were very much satisfied that at last we were beginning to tell the Wehrmacht every year with what it was to concern itself spiritually and theoretically. In the old education in line with the general staff tradition which I received, it was the chief aim of the directive of this sort that travels were to be stopped. This was the way in old officialdom. But I cannot say whether Blomberg had thoughts of belligerent complications or whether he was respon-

H0100 - 0054

sible for such thoughts or in what way he may have been influenced by Hitler, but I am surethat Hitler never saw this document. It was an internal problem of the Wehrmacht.

Q But in it you find a reference to "Fall Otto" (Case Otto), and you know that that was the affair with Austria.

A Yes, I remember of course, the Case Otto; and, as is plain to see from the name, Otto von Hapsburg is meant. Certainly there were certain reports about an attempted restoration, and with this condition perhaps an armed intervention was to take place; but the Fuehrer, Adolf Hitler, wished to oppose that. He did not wish a restoration of the monarchy in Austria. Later on there was a connection in the case of the Anschluss, but I do not, I believe, need to mention that. Perhaps I may refer to this later.

In any event, things were such that on the basis of the deliberations by the army a preparation was at hand which would bring about the Case Otto.

Q You wish to say that on the basis of this general directive concrete orders were not given to the effect that the Case Otto--

A You mean annexation? I can say only that which I experienced when I was sent by Hitler to General Beck. I went into the study and said that the Fuehrer demanded that you report to him immediately and report to him about the preparation which already existed for an eventual invasion of Austria, and the then General Beck said, "We have prepared nothing; nothing at all."

Q The Prosecution contends that your participation in the invasion of Austria was put into effect in March of 1938. I have a directive regarding the Case Otto--C 102. Can you state that the whole matter was improvised, so to speak?

H0100 - 0055

A. I remember that this order was issued to the Commander-in-Chief of the Army and to the other commanders-in-chief. It was given out that everything was improvised and this was to be the recording of facts, facts which had become and had been put into practice, or the commands and orders had been given orally and in detail as to how things were to take place and how they actually did take place on the 12th of March, the day of the invasion of Austria.

Q. I would like to refer to the antecedents of the Case Austria. You know that in the diary of Jodl's it is stated that Schuschnigg is signing only under the greatest pressure politically and militarily. In what way did you take part in this conference on the Obersalzburg, which took place with Schuschnigg?

A. May I complete my previous answer by saying that from this we can say the invasion took place in the morning, that the issuing of the order which was received, actually took place in the evening, for there could have been no practical effect between 10 in the evening and 6 in the morning, and things cannot be started rolling in that short period of time.

The other question, as to my participation at Obersalzburg on the 10th or 11th of February, I would like to say the following in that respect:

It was the first official action in which I participated. In the evening of the 4th Hitler left Berlin and asked me to be at Obersalzburg on the 10th. There, on that day -- the day which has been mentioned frequently here -- the visit of the Federal Chancellor, Schuschnigg, took place. Shortly after I arrived, -- I had no idea as to why I had been summoned -- I met General von Reichenau who had come from Munich and General of the Air Force Sperrle; so that we three Generals were present when perhaps about 10:30 Mr. Schuschnigg arrived with Mr. von Papen.

Since I had never attended a conference or a political action of this nature, I did not know just what I was to do, and I must tell you this frankl -- otherwise you will not understand what I have to say from now on: In the course of the day I could see that with three representatives of the Wehrmach it was to be a military demonstration, and I may call it such.

H0100 - 0056

In the preliminary interrogation and through later discussions I was questioned just as to what that meant, that in the afternoon suddenly my name was called and I was to visit the Fuehrer. I went into the room to see the Fuehrer -- and it may perhaps sound strange if I say that when I entered the room I thought that he would give me a directive, but used the words, "Please sit down." He told me that Schuschnigg wanted to conduct a short conference with foreign minister, Mr. Schmidt; and beyond that I have nothing to say. I can only assure you that not one word about this political action, which was so imminent, was told me -- only from the fact that Mr. Schuschnigg left only in the evening and further conferences took place.

We Generals sat in anterooms, and before my departure I received the directive to gather reports, as is known through a document, about mobilization and then I saw that this day had served, with the bringing in of military representatives, to bring the discussions to a conclusion, and the pressure-- as it is called -- was to be maintained through this.

On my return to Berlin at my apartment, in the presence of Goebbels and Canaris, we discussed just what reports were to be brought in. Canaris was at Munich and in order to conclude this matter it is not without interest that the Chief of Intelligence who had been present, Lahousen, told Jodl and me when later on he went into the service of the Wehrmacht that we did not fall for this bluff. And indubitably I gave Jodl the motive and the reason for his entry in the diary, even though it is a little drastically stated, for that was my first sharp impression.

Q. How can you judge the measures against Austria? What is your positio

A. As far as further developments are concerned, I do not need to say, a it is already set forth -- on the day of the invasion by the troops I accompanied Hitler; we flew to the front. We crossed highways to Braunau, spent the night there, and then proceeded to Vienna. And soberly speaking, it is true that in every village and every town that we passed we were received most enthusiastically and the Austrian Army marched step by step with us, the German Army. Not a shot was heard. On the other side, on the other hand, th was only one formation that had military significance; it traveled from Passau

H0100 - 0057

to Vienna and arrived in Vienna. This division was on hand for the parade the next day. That was a very sober picture of that which I have seen.

Q. Now, we will come to the question of Czechoslovakia. When for the first time did Hitler discuss the question of Czechoslovakia and his designs and intentions in that regard?

A. I believe six to eight weeks after the invasion in Austria -- that would be the end of April. The other took place in the middle of March. And that took place in the following form:

I was one evening suddenly called to the Reich Chancellery. The Fuehrer then told me those matters and those reasons upon which the well-known directive in the Case Green resulted. The antecedents are well-known through the files of Schmundt, and I have made statements on this in preliminary interrogations. At that time he gave me the first directive, in more or less of a hurry. It was not possible for me to converse with him or discuss this matter with him, for he wished to leave Berlin immediately. And these were the reasons for the question under which conditions military or warlike, against Czechoslovakia could arise of would arise.

Q. Then you had the impression that Hitler wanted to attack Czechoslovak

A. The exposition which he made to me that evening was of such a nature that a preparation of a military action with all its preliminary works, which the General Staff had to do, was to be undertaken, and he used rather precise language when he said that the time was open, and at that time, as he said, he did not have the intention, he did not have the intention at present.

Q. Was there in this connection a differentiation between the Sudetenland and the whole of Czechoslovakia?

A. I believe that evening, at that short meeting, we did not have time to discuss this. The Fuehrer did not discuss the political aspects, only the militarily necessary measures, and he gave me these problems for deliberation. He did not say whether we would be content with the Sudetenland or whether one was to break through the Fortress of Czechoslovakia. That was not the problem at that time. In any case, if any of these ideas had to be settled through war and if preparation had to be made, there was to be a conflict with Czechoslovakia, we should be ready.

H0100 - 0058

Q. You know that in the record about the conference Hitler and General Keitel, 21st of March, there has been two versions, that a lightning action in the case of an incident would be considered necessary, and in one, after the word "incident" there is, such as the assassination of a German Ambassador in a demonstration hostile to Germany, while in the second version after the word "incident" there is only "for example". Can you please clarify this, as to the notes of the incident?

A. I saw the notes as taken by Schmundt for the first time here. We did not receive any documents to work with. No record was made. It is a subsequent setting down of notes by an adjutant. As far as the accuracy is concerned, I do not wish to doubt it, for memory would not permit me to say what words were used. But this question is considered significant, that is, the assassination of the German Ambassador in Prague. I never had knowledge of a situation like that at that time, and just for the reason why anything like that was never said; it could have been said that the Ambassador might be assassinated or something like that, and said that if the Ambassador -- and if I recall, Hitler said the war of 1914 arose through the assassination at Sarajevo, and such incidents could happen. That the impression that a war would be created through a provocation on our side, I never had that impression in this situation at that time.

Q. And I would like something further about this record.

THE PRESIDENT: Perhaps we had better adjourn now.

(The Tribunal adjourned until 4 April 1946, at 1000 hours.)

- - - - - -